

Senate Bill 184

By: Senators Unterman of the 45th, Cagle of the 49th, Henson of the 41st, Shafer of the 48th and Butler of the 55th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 9 of Title 43 of the Official Code of Georgia Annotated, relating to chiropractors, so as to provide definitions; to provide for the scope of practice; to increase the penalty for improper practice; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 9 of Title 43 of the Official Code of Georgia Annotated, relating to chiropractors, is amended by striking Code Section 43-9-1, relating to definitions, and inserting in lieu thereof a new Code Section 43-9-1 to read as follows:

"43-9-1.

As used in this chapter, the term:

(1) 'Board' means the Georgia Board of Chiropractic Examiners.

(2) 'Chiropractic' means the adjustment of the ~~articulation~~ articulations of the human body, including ilium, sacrum, and coccyx, ~~and the use of electric X-ray photography, provided that the X-ray shall not be used for therapeutical purposes.~~ The term

'chiropractic' shall also mean that separate and distinct branch of the healing arts whose science and art utilize the inherent recuperative powers of the body and the relationship between the ~~musculoskeletal structures~~ skeletal structures and ~~functions of the body, articularly of the spinal column~~ related muscular and soft tissue components and their relationship to the nervous system, in the restoration and maintenance of health.

Chiropractic is a learned profession which teaches that the relationship between structure and function in the human body is a significant health factor and that such relationships between the spinal column and the nervous system are most significant, since the normal transmission and expression of nerve energy are essential to the restoration and maintenance of health. ~~However, the term 'chiropractic' shall not include the use of drugs or surgery.~~ The adjustment referred to in this paragraph and subsection (b) of Code

1 Section 43-9-16 may only be administered by a doctor of chiropractic authorized to do
2 so by the provisions of this chapter; ~~provided, however, that the provisions of this Code~~
3 ~~section shall not prevent any other health care provider from administering techniques~~
4 ~~authorized within their scope of practice.~~

5 (3) 'Health certificate' means a certification of physical examination in sickness, health,
6 or disability including reports for absence from employment or school or from
7 participation in sports activities.

8 (4) The 'practice of chiropractic' incorporates the fact that doctors of chiropractic
9 evaluate and facilitate biomechanical and neurobiological function and integrity with a
10 focus on subluxation and, as direct access health care providers, employ the education,
11 knowledge, diagnostic skill, and clinical judgment necessary to determine appropriate
12 chiropractic care and management. Chiropractic analysis and diagnosis may include the
13 use of x-rays, physical examination, noninvasive instrumentation, and laboratory
14 procedures in order to determine a regimen of chiropractic care, to monitor response to
15 care, or to form a basis for referral of patients to other licensed health care professionals.
16 The 'practice of chiropractic' shall also include a peer review as defined as the procedure
17 by which chiropractors licensed in the State of Georgia evaluate the quality and
18 efficiency of services ordered or performed by other chiropractors, including, but not
19 limited to, practice analysis, audit, claims review, underwriting assistance, and
20 compliance with applicable laws, rules, and regulations.

21 (5) 'Subluxation' means a complex of functional or pathological articular changes that
22 compromise neutral integrity and may influence organ system function and general
23 health. A subluxation is evaluated, diagnosed, and managed through the use of
24 chiropractic procedures based on the best available rational and empirical evidence."

25 SECTION 2.

26 Said chapter is further amended by striking Code Section 43-9-16, relating to scope of
27 practice, and inserting in lieu thereof a new Code Section 43-9-16 to read as follows:

28 "43-9-16.

29 (a) Chiropractors who have complied with this chapter shall have the right to practice
30 chiropractic as defined in paragraph ~~(2)~~(4) of Code Section 43-9-1 and to adjust patients
31 according to specific chiropractic methods in order to correct spinal subluxations or to
32 adjust the articulations of the human body. Chiropractors shall observe all applicable
33 public health regulations.

34 (b) The chiropractic adjustment of ~~the~~ spinal subluxations or articulations of the human
35 body may include manual adjustments and adjustments by means of electrical and
36 mechanical devices which produce traction, or vibration, or impulse. Chiropractors During

1 the management of a case, in addition to adjustments of the skeletal structure or structures,
2 chiropractors who have complied with this chapter may also use ~~in conjunction with~~
3 ~~adjustments of the spinal structures~~ or directly supervise the use of electrical therapeutic
4 modalities which induce heat or electrical current beneath the skin, including, but not
5 limited to, therapeutic ultrasound, galvanism, interferential, hydrotherapy, microwave,
6 diathermy, and electromuscular stimulation. Chiropractors who have complied with this
7 chapter may utilize and recommend hot and cold packs, exercise, myofascial therapy,
8 massage, vitamins, minerals, food supplements, rehabilitative procedures, and
9 ~~nonprescription, over-the-counter~~ structural supports for the articulations of the human
10 body ~~which are commonly available through retail pharmacy outlets~~; provided, however,
11 the same shall not be construed to allow chiropractors to treat patients outside the scope of
12 practice of chiropractic as set forth in this chapter.

13 (c) Chiropractors who have complied with this chapter may utilize those electric
14 therapeutic modalities described in subsection (b) of this Code section, provided that the
15 chiropractor shall have completed a course of study containing a minimum of 120 hours
16 of instruction in the proper utilization of those procedures in accordance with the guidelines
17 set forth by the Council on Chiropractic Education or its successor and is qualified and so
18 certified in that proper utilization.

19 (d) Chiropractors who have complied with this chapter shall have the right to sign health
20 certificates, reporting to the proper health officers the same as other practitioners.

21 (e) Chiropractors who have complied with this chapter may order laboratory tests,
22 urinalysis, and diagnostic imaging and neurodiagnostic studies as indicated.

23 ~~(e)(f)~~ Chiropractors shall not prescribe or administer medicine to patients, perform surgery,
24 or practice obstetrics or osteopathy.

25 ~~(f)(g)~~ Chiropractors shall not use venipuncture, capillary puncture, acupuncture, or any
26 other technique which is invasive of the human body either by penetrating the skin or
27 through any of the orifices of the body or through the use of colonics. The practice of
28 chiropractic as defined in this chapter shall not include venipuncture, acupuncture, colonic
29 irrigation, rectal examinations, gynecological examinations, injecting of dyes or radioactive
30 materials for radiological or imaging procedures, lumbar puncture, treatment of cancer, or
31 therapeutic X-ray. Nothing in this subsection shall be construed to prohibit a chiropractor
32 who is licensed to perform acupuncture under Article 3 of Chapter 34 of this title from
33 engaging in the practice of acupuncture.

34 ~~(g)(h)~~ A person professing to practice chiropractic for compensation must bring to the
35 exercise of that person's profession a reasonable degree of care and skill. Any injury
36 resulting from a want of such care and skill shall be a tort for which a recovery may be had.
37 If a chiropractor performs upon a patient any act authorized to be so performed under this

~~chapter but which act also constitutes a standard procedure of the practice of medicine, including but not limited to the use of modalities such as those described in subsection (b) of this Code section and X-rays, under similar circumstances the chiropractor shall be held to the same standard of care as would licensed doctors of medicine who are qualified to and who actually perform those acts under similar conditions and like circumstances.~~

~~(h)(i)~~ (i) A licensed practitioner of chiropractic may use only the title 'chiropractor,' or 'doctor of chiropractic,' or 'D.C.'

~~(i) Chiropractors who have complied with this chapter may recommend the use of vitamins, minerals, or food supplements. Any such recommendation of vitamins, minerals, or food supplements shall not be construed to allow chiropractors to treat patients outside the scope of the practice of chiropractic as set forth in this chapter nor shall this subsection be construed to allow chiropractors to sell at a profit any such vitamins, minerals, or food supplements without providing their generic name. Nothing in this subsection shall preclude compliance with Chapter 8 of Title 48, relating to the collection of sales and use taxes."~~

SECTION 3.

Said chapter is further amended by striking Code Section 43-9-19, relating to penalties, and inserting in lieu thereof a new Code Section 43-9-19 to read as follows:

"43-9-19.

It shall be unlawful for any person to practice chiropractic unless that person shall have first obtained a license as provided in this chapter and possesses all the qualifications prescribed by the terms of this chapter. Any person who practices or attempts to practice chiropractic without a license, or who buys or fraudulently obtains a license to practice chiropractic, or who violates any of the terms of this chapter, or who uses the title 'doctor of chiropractic,' 'chiropractor,' 'chiropractic,' 'D.C.,' or any word or title to induce the belief that such a person is engaged in the practice of chiropractic, without first complying with this chapter, shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not less than \$500.00 nor more than ~~\$1,000.00~~ \$5,000.00, or by imprisonment for not less than two nor more than five years, or both, at the discretion of the court. All subsequent offenses shall be separate and distinct offenses, and punishable in like manner."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.